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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,868	12/19/2001	Alain Marie	14XZ00134	1273

7590 06/24/2003

General Electric Company  
3135 Easton Turnpike - W3C  
Fairfield, CT 06431

EXAMINER

MCCALL, ERIC SCOTT

ART UNIT	PAPER NUMBER
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2855

DATE MAILED: 06/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/033,868

Applicant(s)

MARIE ET AL.

Examiner

Eric S. McCall

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

# **MAMMOGRAPHY APPARATUS AND METHOD**

## **FIRST OFFICE ACTION**

### **CLAIMS**

#### **35 U.S.C. § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

✓ Claims 10-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

In comparing claims 8-15 to the Applicant's drawings as well as claims 2-7, uncertainty exists as to how claims 10-15 can refer to the "first axis" as claimed. For the Examiner believes that the reference to the "first axis" in claims 10-15 should be changed to the --second axis--.

Correction and/or clarification is requested.

35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Coe (5,305,365).

Coe teaches an apparatus comprising:

an examination arm (12) with, at one end thereof, an image receiver (16) and a radiation delivery head (10) at the other end,

a support (60) on which the arm (12) is mounted;

the arm being mounted for rotation about a first axis (ie. common axis of outer tube 90 and inner tube 110; col. 4, lines 35-39) substantially perpendicular to the direction of the examination arm and passing through the center of an examination position;

the arm being further mounted for rotation about a second horizontal axis (82) substantially perpendicular to the first axis and to the examination arm; and

a support column (20) on which the support can be moved up and down vertically.

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With regards to claim 2, the examination arm of the prior art includes, as stated above, the image receiver (16) on one end and the radiation delivery head (10) on the other end. As such, the arm is "C-shaped" as claimed.

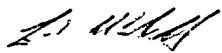
With regard to claims 3 and 4, the arm of the prior art rotates about the second axis (82) from a vertical position to a horizontal position as claimed. Fig. 1 of the prior art shows a position therebetween.

With regard to claims 5-7, the prior art states that rotation about the common axis (ie. first axis) of tubes 90 and 110 is capable. Thus, the prior art discloses that rotation "about" the common axis is capable, the interpretation is made that the examination arm can revolve 360 degrees. Thus, the prior art is capable of performing the claimed function.

With regard to claims 8-15, said claims are directed to the method of using the apparatus as claimed in claims 1-7. Claims 8-15 parallel that of claims 1-7 and thus are rejected for the same reasons as their corresponding claim above. No further analysis is deemed necessary to clarify the Examiner's position as to the reading of said claims.

CONCLUSION

Any inquiry concerning this communication should be directed to Eric S. McCall at telephone number (703) 308-6968.

  
Eric S. McCall  
Primary Examiner  
Art Unit 2855  
June 20, 2003